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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,962	10/31/2001	William B. Joyce	Joyce 23	6491
41119	7590	05/26/2005	EXAMINER	
LESTER H. BIRNBAUM 2159 GREENMEADOW DRIVE MACUNGIE, PA 18062			VANNUCCI, JAMES	
			ART UNIT	PAPER NUMBER
			2828	

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,962

Applicant(s)

JOYCE, WILLIAM B.

Examiner

Jim Vannucci

Art Unit

2828

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 3 is objected to because of the following informalities: the word "case" in line 1 should be after the word "module". Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uno et al.(5,074,682) in view of Takenaka et al.(5,381,499).

Claims 1 and 16, figure 7 discloses a snout(52) that is disposed in a wall(53) of a laser module case, and an optical fiber assembly(6 & 61) within the snout for alignment with a laser(1).

While the optical fiber assembly disclosed in Uno is movable, it is fixed relative to the snout.

Column 3, lines 34-43 of Takenaka disclose an optical fiber assembly(first support) and a snout(second support) outside the optical fiber assembly(first support) and movably holding the optical fiber assembly(first support) for improved operation under high temperatures(col. 1).

Claims 2, 14 and 17, the optical fiber assembly is of a smaller cross-sectional exterior diameter than the snout cross-sectional inner diameter in both references, and the optical assembly disclosed in figure 1 of Takenaka may move in an X and Y-direction within the snout since the snout disclosed in Takenaka is at an angle to the horizontal.

Claim 3, the snout(52) disclosed in figure 7 of Uno has an inner end and an outer end, and the case has an inner joint(col. 6, lines 50-52) to secure the snout(52) to the optical assembly(6 & 61) at the inner end.

Claims 4 and 15, the case disclosed in Uno has an outer joint(col. 7, lines 64-66) to secure the aligned optical fiber assembly.

Claims 5-6, at least a portion of the inner and the outer joint disclosed in Uno are compliant to some extent.

Claim 7, at least a portion of the case disclosed in Uno is made from a material that is deformable.

Claims 8-9, figure 7 of Uno discloses the use of flange joints(not numbered).

Claims 10-11. Takenaka discloses solder as a type of joint(abstract, last line).

Claims 12-13, Uno discloses welding(col. 6, line 35) as a type of joint.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the above referenced elements disclosed in Takenaka with the laser module disclosed in Uno for improved high temperature operation as disclosed in Takenaka.

Response to Arguments

4. Applicant's arguments filed March 31, 2005 have been fully considered but they are not persuasive.
5. Examiner respectfully disagrees with applicant that Takenaka does not disclose that the optical fiber assembly is movable within the snout.

Figure 7 of Uno discloses an optical fiber assembly(6 & 61) fixed in a snout(52) that slides in the opening of a wall(53). The claimed invention includes an optical fiber assembly that can move inside a snout that is fixed inside a wall opening. The claimed invention and the invention disclosed in Uno both have the same function.

If the secondary reference discloses an optical fiber assembly that moves inside a snout, a proper 35 USC 103 rejection can be made.

Figure 1 of Takenaka discloses a snout(8) that has a fiber optical assembly(7) movably supported within it(col. 5, lines 36-42). It is only after final alignment that the elements are soldered, before final alignment the elements are movable. The motivation for the movable elements disclosed in Takenaka is the same as that for the claimed invention. Based upon this argument, examiner believes the rejection is proper.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

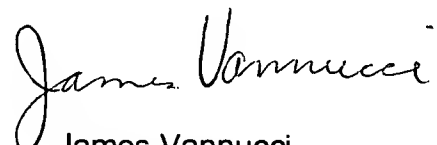
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Jim Vannucci whose phone number is (571) 272-1820.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center whose telephone number is (703) 308-0956.

Papers related to Technology Center 2800 applications only may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Technology Center Fax Center number is (703) 872-9306.


James Vannucci